

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1150 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 4-12-1-18 IS ADDED TO THE INDIANA CODE  
4       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5       1, 2000]: **Sec. 18. (a) The property tax relief account is established**  
6       **within the state general fund for the purpose of providing property**  
7       **tax relief. Money in the account must be used for property tax**  
8       **relief. The account shall be administered by the budget agency.**  
9       **(b) Expenses of administering the account shall be paid from**  
10      **money in the account. The account consists of the following:**  
11      **(1) Appropriations to the account.**  
12      **(2) Riverboat admissions taxes paid to the account under**  
13      **IC 4-33-12-6 and IC 4-33-12-7.**  
14      **(c) The treasurer of state shall invest the money in the account**  
15      **not currently needed to meet the obligations of the account in the**  
16      **same manner as other public money may be invested.**  
17      **(d) Money in the account at the end of a state fiscal year does**  
18      **not revert to any other account within the state general fund.**  
19      SECTION 2. IC 4-33-2-7 IS AMENDED TO READ AS FOLLOWS  
20      [EFFECTIVE MAY 1, 2000]: Sec. 7. "Dock" means the location where  
21      ~~an excursion~~ a riverboat moors for the purpose of embarking  
22      passengers for and disembarking passengers from a ~~gambling~~  
23      ~~excursion~~ **the riverboat.**  
24      SECTION 3. IC 4-33-2-15.5 IS ADDED TO THE INDIANA CODE

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: **Sec. 15.5. "Patron" means an individual who:**

- (1) boards a riverboat; and**
- (2) is not entitled to receive a tax-free pass.**

SECTION 4. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: **Sec. 16.5. "Reporting period" means a twenty-four (24) hour increment used by the department to assess taxes under this article beginning at 6 a.m. each day and ending at 5:59 a.m. the following day.**

SECTION 5. IC 4-33-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 17. "Riverboat" means a self-propelled excursion boat **or permanently moored barge** located in a county described in IC 4-33-1-1 on which lawful gambling is authorized and licensed under this article.

SECTION 6. IC 4-33-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 10. The commission shall authorize the route of a riverboat and the stops, if any, that the riverboat may make **while on a cruise.**

SECTION 7. IC 4-33-4-21.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

- (1) On each admission ticket to a riverboat, ~~gambling excursion:~~ **if admission tickets are issued.**

- (2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 must be:

- (1) maintained by the division of mental health under IC 12-23-1-6; and
- (2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

SECTION 8. IC 4-33-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 6. (a) A **riverboat self-propelled excursion boat** that ~~operates in cruises from~~ a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

- (1) have a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; and
- (2) be at least one hundred fifty (150) feet in length.

(b) A ~~riverboat self-propelled excursion boat~~ that ~~operates cruises~~ on Patoka Lake must:

- (1) have the capacity to carry at least five hundred (500)

passengers;

(2) be at least one hundred fifty (150) feet in length; and

(3) meet safety standards required by the commission.

(c) ~~This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic Indiana steamboat passenger vessels of the nineteenth century. However, steam propulsion or overnight lodging facilities are not required under this subsection.~~

SECTION 9. IC 4-33-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 9. (a) A licensed owner must post a bond with the commission at least sixty (60) days before the commencement of ~~regular gambling on the riverboat. excursions.~~

(b) The bond shall be furnished in:

(1) cash or negotiable securities;

(2) a surety bond:

(A) with a surety company approved by the commission; and

(B) guaranteed by a satisfactory guarantor; or

(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

(1) is subject to the approval of the commission;

(2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and

(3) must be payable to the commission as obligee for use in payment of the licensed owner's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed owner's bond is insufficient, the licensed owner shall upon written demand of the commission file a new bond.

(f) The commission may require a licensed owner to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the

effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

SECTION 10. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) **An owner's license issued under this chapter permits the holder to conduct gambling games authorized under this article while the riverboat is docked and to allow the continuous ingress and egress of passengers for the purposes of gambling.**

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

~~(c)~~ (d) An owner's initial license expires five (5) years after the effective date of the license.

SECTION 11. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 11. The commission may revoke an owner's license if:

(1) the licensee begins regular ~~riverboat excursions~~ **operations** more than twelve (12) months after receiving the commission's approval of the application for the license; and

(2) the commission determines that the revocation of the license is in the best interests of Indiana.

SECTION 12. IC 4-33-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 3. (a) Except as provided in subsection (b), ~~a riverboat excursions~~ **cruise** may not

1 exceed ~~four (4)~~ **two (2)** hours for a round trip.

2 (b) Subsection (a) does not apply to an extended cruise that is  
3 expressly approved by the commission.

4 SECTION 13. IC 4-33-9-14 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 14. (a) This section  
6 applies only to a riverboat that operates from a county that is  
7 contiguous to the Ohio River.

8 (b) A gambling ~~excursion~~ **cruise** is permitted only when the  
9 navigable waterway for which the riverboat is licensed is navigable, as  
10 determined by the commission in consultation with the United States  
11 Army Corps of Engineers.

12 SECTION 14. IC 4-33-10-1 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 1. **(a)** A person who  
14 knowingly or intentionally:

15 (1) makes a false statement on an application submitted under this  
16 article;

17 (2) operates a ~~gambling excursion~~ **riverboat** in which wagering  
18 is conducted or is to be conducted in a manner other than the  
19 manner required under this article;

20 (3) permits a person less than twenty-one (21) years of age to  
21 make a wager;

22 **(4) aids, induces, or causes a person less than twenty-one (21)**  
23 **years of age who is not an employee of the riverboat gambling**  
24 **operation to enter or attempt to enter a riverboat;**

25 **(5) wagers or accepts a wager at a location other than a riverboat;**  
26 **or**

27 ~~(5)~~ **(6)** makes a false statement on an application submitted to the  
28 commission under this article;

29 commits a Class A misdemeanor.

30 **(b) A person who:**

31 **(1) is not an employee of the riverboat gambling operation;**

32 **(2) is less than twenty-one (21) years of age; and**

33 **(3) knowingly or intentionally enters or attempts to enter a**  
34 **riverboat;**

35 **commits a Class C misdemeanor.**

36 SECTION 15. IC 4-33-10-5 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 5. An action to  
38 prosecute a crime occurring during a gambling ~~excursion~~ **on a**  
39 **riverboat** shall be tried in the county of the dock where the riverboat  
40 is based.

41 SECTION 16. IC 4-33-12-1 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE MAY 1, 2000]: Sec. 1. **(a)** A tax is imposed  
43 on admissions to ~~gambling excursions~~ **a riverboat** authorized under  
44 this article at a rate of:

45 **(1) three dollars (\$3) for each person admitted to the gambling**  
46 **excursion; patron who is on board at the time a passenger**

count is recorded before July 1, 2000; and

(2) four dollars (\$4) for each patron who is on board at the time a passenger count is recorded after June 30, 2000.

(b) Passenger counts must be recorded one (1) hour after the start of each reporting period and once every two (2) hours thereafter under procedures approved by the commission.

(c) If the riverboat's schedule, as approved by the commission, does not provide for the riverboat to be open to the public at the start of the reporting period, passenger counts must be recorded one (1) hour after the riverboat begins admitting patrons during a reporting period and once every two (2) hours thereafter under procedures approved by the commission.

(d) This admission tax is imposed upon the licensed owner conducting the ~~gambling excursion~~ of the riverboat.

SECTION 17. IC 4-33-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by **section 7(b) of this chapter and subsection (c)**, the treasurer of state shall quarterly pay the following amounts:

(1) One dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is described in IC 4-33-6-1(a)(1) through IC 4-33-6-1(a)(4) or in IC 4-33-6-1(b); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) One dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during a quarter shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under

IC 15-1.5-3.

(5) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the division of mental health. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

**(7) One dollar (\$1) of the admissions tax for each person embarking on a riverboat during the quarter shall be paid to the property tax relief account established by IC 4-12-1-18.**

(c) With respect to tax revenue collected from a riverboat that operates on Patoka Lake, the treasurer of state shall quarterly pay the following amounts:

(1) The counties described in IC 4-33-1-1(3) shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter. This amount shall be divided equally among the counties described in IC 4-33-1-1(3).

(2) The Patoka Lake development account established under IC 4-33-15 shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter.

(3) The resource conservation and development program that:

(A) is established under 16 U.S.C. 3451 et seq.; and

(B) serves the Patoka Lake area;

shall receive forty cents (\$0.40) of the admissions tax collected for each person embarking on the riverboat during the quarter.

(4) The state general fund shall receive fifty cents (\$0.50) of the admissions tax collected for each person embarking on the riverboat during the quarter.

(5) The division of mental health shall receive ten cents (\$0.10)

of the admissions tax collected for each person embarking on the riverboat during the quarter. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(d) Money paid to a unit of local government under subsection (b)(1) through (b)(2) or subsection (c)(1):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum or actual levy under IC 6-1.1-18.5; and

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

(e) Money paid by the treasurer of state under subsection (b)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(f) Money received by the division of mental health under subsections (b)(5), **b(6)**, and (c)(5):

(1) is annually appropriated to the division of mental health;

(2) shall be distributed to the division of mental health at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health for **the following:**

(A) Programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling.

(B) ~~including~~ The creation and maintenance of a toll free telephone line to provide the public with information about these addictions.

(C) **Other mental health services. However,** the division shall allocate at least twenty-five percent (25%) of the money received **under this section** to the prevention and treatment of compulsive gambling.

SECTION 18. IC 4-33-12-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 7. (a) For each licensed owner, the department shall determine the number of persons admitted to a gambling excursion conducted by the licensed owner during each quarter of the state fiscal year beginning July 1, 1999, and ending June 30, 2000.**



1       (b) This subsection applies to a state fiscal year that begins after  
 2       June 30, 2000. If the number of patrons counted on board a  
 3       riverboat during a quarter exceeds the number of admissions  
 4       determined for the riverboat under subsection (a) for the  
 5       corresponding quarter of the state fiscal year beginning July 1,  
 6       1999, and ending June 30, 2000, the department shall deposit the  
 7       admissions tax attributable to the number of patrons that exceeds  
 8       the number of admissions determined under subsection (a) into the  
 9       property tax relief account established by IC 4-12-1-18. The  
 10      treasurer of state shall distribute the admissions tax collected by  
 11      the licensed owner that is attributable to the remainder of the  
 12      patrons counted on board the riverboat during the quarter in the  
 13      manner provided in section 6 of this chapter."

14      Page 4, after line 3, begin a new paragraph and insert:

15      "SECTION 20. THE FOLLOWING ARE REPEALED  
 16      [EFFECTIVE MAY 1, 2000]: IC 4-33-2-8; IC 4-33-9-2; IC 4-33-12-2.

17      SECTION 20. **An emergency is declared for this act.**"

18      Renumber all SECTIONS consecutively.

(Reference is to HB 1150 as printed January 27, 2000.)

---

Representative Pelath